

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

MATTHEW BISSONNETTE,

Plaintiff,

-against-

KEVIN PODLASKI and
CARSON BOXBERGER, LLP,

Defendants.

Civil Action No.: 1:15-cv-00334

AFFIDAVIT/DECLARATION OF
STEPHEN M. RYAN, ESQ. IN
SUPPORT OF PLAINTIFF'S
OPPOSITION TO MOTION TO
PRECLUDE

My name is Stephen M. Ryan. I am an attorney licensed to practice law in the District of Columbia for the past 37 years. I was lead counsel representing Mr. Robert O'Neill in connection with the prepublication review (PPR) of his book "*The Operator*." This PPR was conducted by the Department of Defense (DOD), pursuant to law and contracts Mr. O'Neill had signed while serving with distinction as a Navy SEAL.

1. I am over the age of 21 and I am fully capable, competent and authorized to make the following statements. The factual matters set forth herein are true and correct within my personal knowledge, or they are based upon my best information and belief and are true and correct. To the extent my affidavit is considered opinion, not facts, I do assume that the law and contracts applying to Mr. O'Neill are the same in substance as the ones applying to Mr. Bissonnette.

2. I began practicing law as a Clerk to the Honorable Robert A. Grant, United States District Judge for the Northern District of Indiana during the time

period 1979-1981. I am a graduate of the University of Notre Dame Law School in South Bend, Indiana.

3. My law practice often requires representing clients in connection with government contracts, audits and investigations, and related administrative law issues as well as criminal law. I currently hold an SAP/SCI clearance. I served as General Counsel to the US Senate Committee on Governmental Affairs (GAC) under Chairman Glenn. I also served as Deputy Counsel of the President's Commission on Organized Crime, directing investigations against La Cosa Nostra and other criminals during the Reagan Administration. I also served as an Assistant US Attorney in Washington, DC, prosecuting criminal cases. A copy of my firm's website bio is attached hereto as Exhibit "A."

4. On April 27, 2017, a book entitled *The Operator* was released for publication. *The Operator* is a first-hand account by an on-the-ground Navy SEAL, Mr. Robert O'Neill, who killed Osama Bin Laden, and was involved in the Captain Phillips rescue and many other missions. Mr. O'Neill's book reports what he observed on those specific missions and on other missions during his career as a SEAL. Mr. O'Neill served with Mr. Bissonnette.

5. On June 15, 2016 Mr. O'Neill submitted his book to the Department of Defense (DOD) for a prepublication review (PPR) and I represented him in that

review process. On November 30, 2016 DOD returned the manuscript. We sent a revised version on December 19, 2016 and received approval in early 2017.

6. The DOD conducted the PPR of Mr. O'Neill's book. Mr. O'Neill's book was reviewed by multiple DOD commands simultaneously. To the best of my knowledge, the entire PPR process was conducted solely by the DOD.

7. During the PPR, I repeatedly had telephone conferences (but no in person meetings) with representatives of the DOD to discuss aspects of Mr. O'Neill's manuscript including the timing of the review's conclusion. DOD ultimately provided Mr. O'Neill with a set of proposed removals or redactions from the text or pictures in the draft manuscript. Although Mr. O'Neill had an appeal process to address such proposed deletions, Mr. O'Neill removed those he was asked to delete and did not file the appeal. Mr. O'Neill essentially deleted, redacted, or rewrote any paragraph of his book that DOD asked him to address. The 'final' resulting manuscript was again reviewed and cleared. The published book represents the end product of this PPR process and everything contained in the published book was reviewed and approved by DOD.

8. I am not free to disclose what need for revisions were addressed by the DOD during the review process. In terms of a percentage of the manuscript, the DOD concerns involved very little of the total manuscript, and I believe as little as 1-2%, but I have not made an exact calculation of the percentage. DOD's

concerns focused on such issues as names, locations and certain photographs. The resulting manuscript is not materially different than the one sent for review.

9. I have no facts which cause me to believe No Easy Day by Mr. Bissonnette would have been treated differently had he properly submitted his manuscript to the Department of Defense for a prepublication review.


10. Mr. O'Neill and I will keep the secrets of what the DOD sought to change. Mr. O'Neill will not waive the attorney-client privilege, and I will not waive any work product doctrine protections regarding our relationship. I have not intentionally disclosed any such information in this Affidavit.



Stephen M. Ryan

DISTRICT OF COLUMBIA *
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SUBSCRIBED AND SWORN to before me this 17th day of May, 2017.



Notary Public in and for the
State of District of Columbia

My Commission Expires:

April 14, 2021

